UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,396	03/30/2004	Jurgen Focke		1753

7590   09/25/2007

JURGEN FOCKE
LISSABONALLEE 11
BERLIN, 14163
GERMANY

EXAMINER
NGUYEN, LONG P

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/812,396	FOCKE, JURGEN
		Examiner	**Art Unit**	
		Long P. Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9, 13 and 14* is/are rejected.

7) ☒ Claim(s) *10 and 11* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *30 March 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☒ Some * c) ☐ None of:

         1. ☒ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date *9/8/2005, 4/21/2006*.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
      DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
      COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
      (1) Field of the Invention.
      (2) Description of Related Art including information disclosed under 37
      CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A
      "Sequence Listing" is required on paper if the application discloses a
      nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if
      the required "Sequence Listing" is not submitted as an electronic
      document on compact disc).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 1-9 and 13-14 rejected under 35 U.S.C. 103(a) as being unpatentable over

Piponius et al (US 2002/0138601, hereinafter, Piponius) in view of Lowe et al. (US

6,539,082, Hereinafter, Lowe).

As for claim 1, Piponius shows a communication terminal **(Figure 1, MS)**

connected with a service user sends a first service request message **[0050]** to a service

computer **(Figure 1, CS)** which provides the chargeable service **[0048]** and is

connected to the telecommunication network **(Figure 1)**, the first service request

message **[0050]** is received and detained by an intermediate node **[Figure 1, GW]** in

the telecommunication network which (intermediate node) is arranged, in relation to the

flow of messages, between the communication terminal (KEG) and the service

computer **[0049-0050]** intermediate node (ZK) prompts a second service request

message (DAN2) **[0048]**, relating to the chargeable service **[0051]**, to be created and

transmitted to a routing service computer (D-DR) which has an associated individual

identifier (IP2) **[0048, e.g. 194.197.118.20]**, the routing service computer (D-DR)

requests (DAN2) the chargeable service from the service computer (DR) **[0053]**, the

routing service computer (D-DR) then receives a service message (DN) from the

service computer **[0053]**, the routing service computer (D-DR) transfers the service

message (DN) together with the identifier (IP2) for the routing service computer to the communication terminal (KEG) **[0057]**, but Piponius does not show an exchange (V) which is arranged, in relation to the flow of messages, between the communication terminal (KEG) and the routing service computer (D-DR) identifies from the identifier (IP2) that chargeable service use is involved, and the exchange (V) then creates a charge message (GN) relating to the service use and to the service user (KEG). However, Lowe show an exchange (V) **(Col. 4 line 34, SMA)**, which is arranged, in relation to the flow of messages, between the communication terminal (KEG) **(Figure 4 Operator #35)** and the routing service computer (D-DR) **(Figure 4 SSP #9)** identifies from the identifier (IP2) that chargeable service use is involved **(Figure 4)**, and the exchange (V) then creates a charge message (GN) relating to the service use and to the service user (KEG) **(Col. 5 line 34-35)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Charge system of Piponius with the exchange of Lowe in order to calculate the customer's bill and then presents the results to the operator.

As for claim 2, Piponius shows the intermediate node (ZK) prompts the second service request message (DAN2), relating to the chargeable service, to be created and transmitted to the routing service computer (D-DR) **[0048]** by virtue of the intermediate node (ZK) returning a readdressing message (UAN) to the communication terminal (KEG) **[0047]**, with the readdressing message (UAN) containing the identifier (IP2) for the routing service computer (D-DR) **[0047]**, and the communication terminal (KEG)

taking the readdressing message (UAN) as a basis for creating the second service request message (DAN2) and sending it to the routing service computer (D-DR) **[0047]**.

As for claim 3, Piponius shows receipt of the first service request message (DAN1) by the intermediate node (ZK) is followed by the intermediate node using the first service request message (DAN1) to ascertain whether the requested service is chargeable **[0021]**, the first service request message (DAN1) being forwarded unchanged to the service computer (DR) in the case of a toll-free service **[0052, note: billing attribute cannot be found therefore signaling is cut through from the terminal and content server] [0066]**, and creation and transmission of the second service request message (DAN2) being prompted only in the case of a chargeable service **[0052]**.

As for claim 4, Piponius shows the readdressing message returned is a redirect message (UAN) designed as prescribed by the hypertext transfer protocol **[0048]**.

As for claim 5, Piponius shows the readdressing message (UAN) contains, as identifier, an IP address (IP2) for the routing service computer (D-DR) **[0048]**.

As for claim 6, Piponius shows the intermediate node (ZK) uses the first service request message (DAN1) to ascertain whether the requested service is chargeable by comparing a feature (URL) which describes the service in the service request message (DAN1) **[0048]** with a plurality of features which are stored at the intermediate node and are associated with chargeable services, and identifying the requested service as chargeable if there is a match **[0048]**.

As for claim 7, Piponius shows the second service request message (DAN2) contains information about the service computer (DR) in the form of a URL address (URL), this URL address (URL) is transmitted to a translation node (DNS) **[0047]**, the translation node (DNS) returns the IP address (IP1) associated with the URL address, and the routing service computer (D-DR) uses the IP address (IP1) of the service computer (DR) to request (DAN2) the chargeable service **[0050]**.

As for claim 8, Piponius shows the routing service computer (D-DR) requests (DAN2 (IP2, URL)) the chargeable service by using the IP address (IP2) to address the service computer (DR), and using the URL address (URL) to select the chargeable service, which is to be provided by the service computer **[0048]**.

As for claim 9, Piponius shows Identifier (IP2), creation of the charge message (GN) using the identifier (IP2) **[0048]** transferred with the service message (DN) to ascertain a charge tariff associated with the identifier **[0051]**, the level of the charge being determined using the charge tariff **[0051]**, but Piponius does not show involves the exchange (V) and information about the level of the charge being added to the charge message (GN). However Lowe shows involves the exchange (V) **(figure 4, E.g. SMA)** and information about the level of the charge being added to the charge message (GN) **(Col. 5 line 34-35)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Charge system of Piponius with the exchange of Lowe in order notifies the user of the charges accrued.

As for claim 12, Piponius shows transferring the service message (DN) to the communication terminal (KEG) is followed by the intermediate node (ZK) creating a second charge message (GN2) **[0056]**, which contains information about a blanket charge associated with the service. **[0006]**

As for claim 13, Piponius shows the charge message (GN) is transferred to a payment system (ZS) **[0057]**, but does not shows from the exchange (V). However Lowe shows transmit from the exchange **(Col. 5 34-35)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the charge system of Piponius with the exchange of Lowe in order to determine the cost of the service used.

As for claim 14, Piponius shows the translation node used is a domain statement server (DNS) **[0050]**.

Allowable Subject Matter

3.   Claim 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long P. Nguyen whose telephone number is (571)-272-9740. The examiner can normally be reached on Monday - Thursday 7:30 - 5:00 EST Alternate Friday 7:30-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Long Nguyen

DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600